

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EVELYN CINTRON	:	CIVIL ACTION NO. 19-4078
	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
	:	
CITY OF PHILADELPHIA, ET AL.	:	
	:	
	:	
Defendants.	:	

- - -
Wednesday, November 15, 2023
- - -

Oral Remote Deposition of JOE SULLIVAN taken
pursuant to notice, commencing at 11:02 a.m. on the
above date, before Lori L. E. Agren, a Certified Court
Reporter and Notary Public.

- - -

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Also Present: Evelyn Cintron

(It is stipulated by and among counsel
for the respective parties that signing, sealing and
certification be waived; and that all objections,
except as to the form of the question, be reserved
until the time of trial.)

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REQUEST FOR PRODUCTION OF DOCUMENTS

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<p>Page 4</p> <p>1 COURT REPORTER: Would counsel like a</p> <p>2 copy of the transcript?</p> <p>3 MS. ULAK: Yes, thank you.</p> <p>4 MR. GOLDEN: I will let you know at the</p> <p>5 end of the deposition.</p> <p>6 JOE SULLIVAN, having first been duly</p> <p>7 sworn, was examined and testified as follows:</p> <p>8 EXAMINATION BY MR. FITZPATRICK:</p> <p>9 Q. Deputy Commissioner Sullivan, I guess</p> <p>10 retired Deputy Commissioner at this point?</p> <p>11 A. That's Mr. Sullivan now.</p> <p>12 Q. That's correct, Mr. Sullivan.</p> <p>13 My name is Thomas Fitzpatrick. I represent</p> <p>14 Evelyn Cintron, and today we are going to be taking</p> <p>15 your deposition. Have you been deposed before, sir?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. So you probably understand and I</p> <p>18 don't know if at those prior depositions have they ever</p> <p>19 been over video like we are doing today?</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. So this is your first video</p> <p>22 deposition, but the rules are, essentially, the same.</p> <p>23 I just ask you to answer all my questions verbally so</p> <p>24 that the court reporter can properly record things that</p>	<p>Page 6</p> <p>1 Q. Okay. That is an interesting retirement</p> <p>2 location. But you are from Philadelphia, correct?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. So what part of Philadelphia are you</p> <p>5 from?</p> <p>6 A. The far Northeast Philadelphia.</p> <p>7 Q. I believe you said far Northeast; is that</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 MS. ULAK: Can we go off the record a</p> <p>11 second?</p> <p>12 (A discussion was held off the record to</p> <p>13 try to fix zoom audio from 11:05 a.m. to 11:07 a.m.)</p> <p>14 MR. FITZPATRICK: It looks like</p> <p>15 Isaac Green who is an attorney from my office has</p> <p>16 joined us on the call, Lori.</p> <p>17 BY MR. FITZPATRICK:</p> <p>18 Q. So, Mr. Sullivan, you are telling us you are</p> <p>19 from the far Northeast. Where did you attend high</p> <p>20 school?</p> <p>21 A. Archbishop Ryan.</p> <p>22 Q. Archbishop Ryan?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And when did you graduate from Ryan?</p>
<p>Page 5</p> <p>1 you are saying when you give your answers. I'll ask</p> <p>2 questions. Allow me to finish my question before you</p> <p>3 answer, and it's probably the best way to go so she can</p> <p>4 get one person at a time.</p> <p>5 If you don't recall or don't remember, I'm</p> <p>6 not asking you to guess in this deposition. I'm asking</p> <p>7 you to tell me the things that you do, indeed, recall.</p> <p>8 If I can help jog your memory in some way, there may be</p> <p>9 times when I attempt to do so. But that is not an</p> <p>10 attempt to get you to remember something that didn't</p> <p>11 occur or anything like that.</p> <p>12 If you have any questions, you are certainly</p> <p>13 free to talk to your counsel. If you need to take a</p> <p>14 break, I just ask that you do that after you have</p> <p>15 answered whatever the pending question is that I've</p> <p>16 asked you.</p> <p>17 Is that okay?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Are you alone? Are you at counsel's</p> <p>20 office at this point?</p> <p>21 A. No, I am alone.</p> <p>22 Q. Okay. And are you still living in</p> <p>23 Philadelphia?</p> <p>24 A. No. I live in Wichita, Kansas.</p>	<p>Page 7</p> <p>1 A. 1980.</p> <p>2 Q. And from there did you go directly to the</p> <p>3 police academy or what was the trajectory?</p> <p>4 A. Two years almost at Penn State University</p> <p>5 and then joined the police department.</p> <p>6 Q. So it's the Philadelphia Police Department?</p> <p>7 A. Yes.</p> <p>8 Q. And how long were you with the Philadelphia</p> <p>9 Police Department?</p> <p>10 A. Thirty-eight years.</p> <p>11 Q. Okay. And walk us through your promotions</p> <p>12 there.</p> <p>13 A. I was a police officer for five years. I</p> <p>14 made sergeant. I was a Sergeant, I believe, for seven</p> <p>15 years, and I made Lieutenant. I was Lieutenant for</p> <p>16 three or four years, then I made Captain. I was a</p> <p>17 Captain for three years, and I made Inspector. And I</p> <p>18 was Inspector for also, roughly, three years. I mean,</p> <p>19 I would have to, obviously, go to my resume for exact</p> <p>20 dates. I am estimating. I was promoted to Chief</p> <p>21 Inspector. I believe I was Chief Inspector for 10 to</p> <p>22 12 years, and I was promoted to Deputy Commissioner</p> <p>23 which I held that position for three years until</p> <p>24 retiring.</p>

<p>1 Q. Okay. Now, what years were you Deputy 2 Commissioner?</p> <p>3 A. From three of '17 to three of '20.</p> <p>4 Q. So March 2017 to March 2020?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And what were your duties as Deputy 7 Commissioner?</p> <p>8 A. I oversaw all of the patrol forces for the 9 City of Philly. I oversaw PAL. I oversaw community 10 relations. For a part of that time, I oversaw school 11 security, Police Explorers, Neighborhood Services Unit. 12 So that's 21 patrol districts, six patrol divisions 13 which make up the patrol bureau and then those other 14 units. I may have forgotten one or two, but that's the 15 bulk of my responsibility.</p> <p>16 Q. Okay. Well, talk to me about Deputy 17 Commissioner. How many Deputy Commissioners are there?</p> <p>18 A. When I was there, that's a number that 19 fluctuates, but when I was promoted, the Police 20 Commissioner had a First Deputy and then there were 21 three deputies.</p> <p>22 Q. Okay. So were you the First Deputy or were 23 you one of those other three?</p> <p>24 A. One of the other three.</p>	<p>Page 8</p> <p>1 A. Yes, it was incumbent. In other words, it 2 was predetermined.</p> <p>3 Q. Okay. So if it was predetermined, then do 4 you recall someone named Myron Patterson?</p> <p>5 A. Of course, yes.</p> <p>6 Q. Okay. What was his rank and assignment?</p> <p>7 A. So he was once in my position, and then he 8 became the First Deputy when I became deputy.</p> <p>9 Q. Okay. So he was the deputy for patrol 10 operations and community relations?</p> <p>11 A. Yes.</p> <p>12 Q. And when you were promoted to deputy for 13 patrol operations and community relations, he was 14 promoted to First Deputy?</p> <p>15 A. Yes.</p> <p>16 Q. And it's through those promotions that you 17 became in charge of PAL?</p> <p>18 A. Yes.</p> <p>19 Q. So are you telling us that it was not 20 through any request of your own that you would be in 21 charge of PAL?</p> <p>22 A. It was not.</p> <p>23 Q. Okay. Now, just stepping back a moment, did 24 you yourself have a nonprofit organization?</p>
<p>Page 9</p> <p>1 Q. One of the other three. And is there a 2 Deputy Commissioner in charge of operations or 3 something like that?</p> <p>4 A. So the First Deputy -- I was the deputy of 5 patrol operations, but the First Deputy is the deputy 6 of operations.</p> <p>7 Q. Okay. So --</p> <p>8 A. There's also -- I left out. There is -- so 9 the First Deputy is a three-star deputy, and then there 10 is also a three-star deputy from administration.</p> <p>11 Q. Okay. So the First Deputy was in control of 12 operations?</p> <p>13 A. Yes.</p> <p>14 Q. And you were a Deputy Commissioner in 15 control of patrol operations?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. And is it under those patrol 18 operations that these community relations duties fall 19 under?</p> <p>20 A. Yes.</p> <p>21 Q. And when you became a Deputy Commissioner, 22 did you request the PAL assignment or was that a duty 23 that was incumbent on that position for patrol 24 operations and community relations?</p>	<p>Page 11</p> <p>1 A. I was the president. I didn't have one, but 2 I was president of a nonprofit.</p> <p>3 Q. Okay. What was the nonprofit that you were 4 the president of?</p> <p>5 A. Families Behind the Badge Children's 6 Foundation.</p> <p>7 Q. And when were you the president of that 8 foundation?</p> <p>9 A. Probably from 19 -- I would have to go to 10 exact records, but I left that position in the 11 beginning of 2023. And I was involved with the charity 12 for 15 years, maybe the president for eight, something 13 like that. And I would have to go back and look at the 14 exact records.</p> <p>15 Q. Okay. So is it, roughly, 2008 we are going 16 back?</p> <p>17 A. So I left in the beginning of 2023. So I 18 would say, like, 2015. You know, that's information 19 that I can certainly get with certainty. I just don't 20 remember when I was actually appointed to president.</p> <p>21 Q. Oh, okay.</p> <p>22 A. I've been involved in the organization for 23 many years.</p> <p>24 Q. Do you remember when you got involved with</p>

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<p>1 the organization?</p> <p>2 A. I know I was an inspector of narcotics so I</p> <p>3 would have to go back and see exactly when that was.</p> <p>4 Q. Okay. Is it safe to say that when you got</p> <p>5 promoted to Deputy Commissioner, you were already</p> <p>6 involved with the Children's Foundation, correct?</p> <p>7 A. Yes, yes.</p> <p>8 Q. And did you assist in fundraising for the</p> <p>9 Children's Foundation?</p> <p>10 A. I did not take part in fundraising.</p> <p>11 Q. Okay. So what did you do for the Children's</p> <p>12 Foundation? What was your involvement?</p> <p>13 A. My involvement was to vote on programs. It</p> <p>14 was to think of ways in which the charity could better</p> <p>15 serve the children in need throughout the City. And I</p> <p>16 was to be a spoke person for the organization.</p> <p>17 Q. Okay. So you never conducted any</p> <p>18 fundraisers on behalf of that organization?</p> <p>19 A. I never actively went out and solicited</p> <p>20 money, no. I participated in events like the yearly</p> <p>21 bike ride.</p> <p>22 Q. You participated in events?</p> <p>23 A. Yeah.</p> <p>24 Q. Did you ever connect the organization to any</p>	<p>1 benefactor"?</p> <p>2 A. For years Families Behind the Badge made</p> <p>3 monetary awards and financial programs on behalf of</p> <p>4 PAL. They would apply like all the charities do and</p> <p>5 the board would decide what charities and what half</p> <p>6 were funded. And historically PAL would receive money</p> <p>7 from Families Behind the Badge.</p> <p>8 Q. Okay. Did Families Behind the Badge ever</p> <p>9 receive money from PAL?</p> <p>10 A. No.</p> <p>11 Q. Okay. And do you know if Ron Rabena is from</p> <p>12 Philadelphia?</p> <p>13 A. I can't tell you that. I don't know.</p> <p>14 Q. You've known him for decades but don't know</p> <p>15 if he's from Philadelphia?</p> <p>16 A. I've known him for decades so it was an</p> <p>17 assumption I made. But could I tell you where Ron was</p> <p>18 born or where he grew up? No.</p> <p>19 Q. Okay. Is Ron the only PAL board member that</p> <p>20 you knew prior to taking the Deputy Commissioner</p> <p>21 position?</p> <p>22 A. I would have to see the list. I'm sure I</p> <p>23 knew other people beforehand --</p> <p>24 Q. Okay.</p>
Page 13	Page 15
<p>1 donors?</p> <p>2 A. Not that I recall.</p> <p>3 Q. Okay. Do you know a gentleman named</p> <p>4 Ron Rabena?</p> <p>5 A. Yes.</p> <p>6 Q. How do you know Ron Rabena?</p> <p>7 A. I've know Ron for years. He is with a</p> <p>8 security company in Philadelphia, Allied Security. And</p> <p>9 I've known him since he was an entry-level employee,</p> <p>10 and now he is a vice president.</p> <p>11 Q. And did you know Ron Rabena prior to your</p> <p>12 involvement with PAL?</p> <p>13 A. Yes, yes. As I said, I've known Ron for</p> <p>14 decades. We did security together.</p> <p>15 Q. Okay. So let me go back. I may have</p> <p>16 assumed some things that aren't necessarily accurate.</p> <p>17 Did you have involvement with PAL prior to</p> <p>18 becoming the Deputy Commissioner of PAL?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. What was your involvement with PAL</p> <p>21 prior to becoming the Deputy Commissioner?</p> <p>22 A. PAL was a benefactor of Families Behind the</p> <p>23 Badge before I became a Deputy Commissioner.</p> <p>24 Q. Define what you mean when you say "PAL was a</p>	<p>1 A. -- in order to tell you. There are a lot of</p> <p>2 prominent people on there that I would know, but I</p> <p>3 didn't know everyone.</p> <p>4 Q. Okay. But it's fair to say that when you</p> <p>5 become Deputy Commissioner, you are familiar with PAL,</p> <p>6 the board members, and the partnership between PAL and</p> <p>7 the Philadelphia Police Department; is that fair to</p> <p>8 say?</p> <p>9 A. For taking over, I had a rudimentary</p> <p>10 understanding of PAL.</p> <p>11 Q. Okay. And when you took over as Deputy</p> <p>12 Commissioner and you are in charge of PAL,</p> <p>13 Myron Patterson moves up to the First Deputy position,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And now the PAL command structure falls --</p> <p>17 the police PAL command structure falls beneath your</p> <p>18 purview, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. What's that structure?</p> <p>21 A. Well, Lieutenant Cintron is the commanding</p> <p>22 officer, and I was the Deputy Commissioner. She had</p> <p>23 three sergeants that worked directly for her.</p> <p>24 Q. Was Sergeant Faust one of those three</p>

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<p>1 sergeants?</p> <p>2 A. Yes.</p> <p>3 Q. And who are the other two?</p> <p>4 A. Sergeant Irvin and Sergeant Pascucci. I</p> <p>5 can't tell you how to spell that.</p> <p>6 Q. Did you know those three sergeants prior to</p> <p>7 taking over that Deputy Commissioner command?</p> <p>8 A. I'm sure that I had contact with all three,</p> <p>9 but I knew Sergeant Faust the best.</p> <p>10 Q. Okay.</p> <p>11 A. He had been there the longest.</p> <p>12 Q. And why did you know Sergeant Faust the</p> <p>13 best?</p> <p>14 A. Because he had been there the longest, and I</p> <p>15 also dealt with Sergeant Faust in my role with Families</p> <p>16 Behind the Badge.</p> <p>17 Q. How long have you known Sergeant Faust?</p> <p>18 A. I am just going to throw a number out there,</p> <p>19 10 years.</p> <p>20 Q. Prior to coming into the PAL position?</p> <p>21 A. I'm going to guess at that, yes. It could</p> <p>22 be eight. I didn't know him well.</p> <p>23 Q. Okay. Now, I just want to back up real</p> <p>24 quickly. So I mentioned that you chose Wichita,</p>	<p>1 first and only Deputy Commissioner position, correct --</p> <p>2 A. Yes.</p> <p>3 Q. -- in charge of patrol operations and</p> <p>4 community relations and within that is the purview of</p> <p>5 PAL, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And that PAL command structure includes</p> <p>8 Lieutenant Cintron and three sergeants who worked with</p> <p>9 her, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Sergeant Faust being one of those and I</p> <p>12 believe there is a Sergeant Irvin?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And a Sergeant Pascucci who you will</p> <p>15 not endeavor to spell?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. Sergeant Faust you know him the</p> <p>18 longest because you had contact with Sergeant Faust</p> <p>19 through your Families Behind the Badge Foundation --</p> <p>20 your work with Families Behind the Badge; is that</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And you are not like a founder of that</p> <p>24 nonprofit, correct?</p>
Page 17	Page 19
<p>1 Kansas, for retirement, and you didn't correct me. But</p> <p>2 now I will ask directly, are you retired?</p> <p>3 A. I retired from the Philadelphia Police</p> <p>4 Department, but I'm not retired.</p> <p>5 Q. Okay. So what do you do now?</p> <p>6 A. I work for the Wichita Police Department.</p> <p>7 Q. Okay. And what's your role there?</p> <p>8 A. Chief of Police.</p> <p>9 Q. Okay. How long have you held that position?</p> <p>10 A. One year.</p> <p>11 Q. So was there a break between your retirement</p> <p>12 from the Philadelphia Police Department and you</p> <p>13 becoming a police chief in Wichita?</p> <p>14 A. Yeah, approximately, two years.</p> <p>15 Q. Okay. So it's not just that Wichita is</p> <p>16 better than Florida, you are actually working in</p> <p>17 Wichita?</p> <p>18 A. That is correct, but I might say Wichita is</p> <p>19 now better than Florida.</p> <p>20 Q. Okay. All right. So we'll go back to you</p> <p>21 taking over as Deputy Commissioner. You yourself had</p> <p>22 not served as the First Deputy at any point, correct?</p> <p>23 A. No.</p> <p>24 Q. So the Deputy Commissioner position was your</p>	<p>1 A. No.</p> <p>2 Q. Okay. And were there any other nonprofits</p> <p>3 that you were associated or affiliated with?</p> <p>4 A. Not that I recall, no, no.</p> <p>5 Q. Okay. So no Heroes Foundation or anything</p> <p>6 of that nature?</p> <p>7 A. Heroes Foundation?</p> <p>8 Q. Yes.</p> <p>9 A. You know, the FOP has a survivor's fund, but</p> <p>10 I would attend events to support that, but I never</p> <p>11 participated or you know, a board member or anything</p> <p>12 like that.</p> <p>13 Q. Okay. And Ron Rabena you've known him for</p> <p>14 many years through his work with Allied Security; is</p> <p>15 that right?</p> <p>16 A. Yes.</p> <p>17 Q. And did you know any PAL board members from</p> <p>18 high school or through growing up in Philadelphia?</p> <p>19 A. No.</p> <p>20 Q. Okay. And to your knowledge, PAL nor any of</p> <p>21 its board members were donors to Families Behind the</p> <p>22 Badge?</p> <p>23 A. I couldn't tell you that. Not that I am</p> <p>24 aware of, but you know, I don't know of any board</p>

<p>1 members who did the bike ride. I don't know if any 2 board members sent -- 3 Q. Yes, I know. Just to be clear, I am asking 4 about your knowledge. That's what I am asking you 5 about. 6 A. I don't have any knowledge of. 7 Q. So you don't have any knowledge of any PAL 8 members being individual donors to Families Behind the 9 Badge? 10 A. Right. But I can tell you that I didn't 11 request any to be donors either. 12 Q. I'm sorry. Say that again. 13 A. I did not request any to be donors either. 14 Q. Okay. Did you ever request any assistance 15 from PAL for Families Behind the Badge? 16 A. Yes. Before I took over, PAL normally 17 assisted with the Tour to The Shore which is now called 18 -- The Ben to The Shore Bike ride. It was originally 19 called Tour to The Shore, and now it's called The Ben 20 to The Shore like Ben Franklin. 21 Q. And that was -- you said PAL would assist in 22 that effort prior to your becoming the Deputy 23 Commissioner? 24 A. Yes.</p>	<p>Page 20</p> <p>1 A. I believe that it stopped. I would have to 2 consult records, but I believe, though, that stopped 3 before I took over. I believe that type of assistance 4 stopped before I became the Deputy Commissioner of 5 patrol operations. 6 Q. Okay. Well, whether it stopped before you 7 became the Deputy Commissioner or once you became the 8 Deputy Commissioner, are you telling us that it did not 9 continue while you were the Deputy Commissioner? 10 A. I would have to check records. I believe it 11 did not. I believe that we utilized Police Explorers 12 for that purpose rather than PAL because we didn't have 13 a need for the PAL vans. And that is why we had or I 14 should say, the member of our board that puts together 15 the transportation and coordinates with law 16 enforcement, EMS and fire determined that it was no 17 longer a need for that participation from PAL. And we 18 had ceased to become a donor at some point for PAL. 19 Q. Okay. 20 A. And my recollection is that did not resume. 21 But if there is something that you could provide me to 22 refresh my memory, I would be happy to take a look at 23 it, but that's my best recollection right now. 24 MS. ULAK: Mr. Sullivan, I just want to</p> <p>Page 22</p>
<p>1 Q. Okay. How would PAL assist? 2 A. They would provide a van to transport 3 people. They would help out at the end. That was 4 something that was arranged by other members of the 5 board. I don't know what the start of the context was, 6 but what I can tell you is this, the charity was a 7 major contributor of PAL. And when we provided money, 8 usually we expect the benefactor to give back and 9 assist the charity in some way. And most charities did 10 that by helping with the logistics of The Ben to The 11 Shore. 12 And also, there's probably hundreds of 13 Philadelphia police officers that participate in that 14 ride because that ride benefits the families of fallen 15 police officers and all first responders. It's a huge 16 participation by law enforcement and the Philadelphia 17 Fire Department. 18 Q. Okay. So is it safe to say -- is that the 19 -- like, the kind of hallmark fundraising effort for 20 Families Behind the Badge? 21 A. Yes. That would be the largest fundraiser 22 event. 23 Q. Okay. And you said that prior to your 24 taking over the command, PAL assisted with that effort?</p> <p>Page 21</p>	<p>1 remind you to wait for the next question. If you 2 answer a question, just wait until the next question is 3 asked. If there is no question pending, you don't need 4 to provide more information. 5 THE WITNESS: Thank you. 6 BY MR. FITZPATRICK: 7 Q. Let me ask you. Police Explorers you've 8 mentioned that a couple times now. What is Police 9 Explorers? 10 A. They would be like a Boy Scout organization, 11 I shouldn't say. A Boy-and-Girl-Scout-type 12 organization where young people are encouraged to 13 pursue careers, go to college. I'm sorry to go to 14 college or pursue careers in the military or law 15 enforcement. It's common to have an organization in a 16 large police department and Philadelphia Police 17 Department has one of the best. 18 Q. Okay. And how was that organization 19 supported in terms of funding? 20 A. The way other -- the same way other 21 organizations were. They would submit ideas. They 22 would submit applications for funding or projects or 23 equipment that they needed, and the board would vote on 24 how -- on whether or not each application would be</p> <p>Page 23</p>

<p>Page 24</p> <p>1 approved and to what extent.</p> <p>2 Q. So Families Behind the Badge would assist in</p> <p>3 funding of Police Explorers? Is that what you are</p> <p>4 telling us?</p> <p>5 A. If the board approved it. If the board</p> <p>6 approved their request which was submitted yearly.</p> <p>7 Q. You stated, at some point, Families Behind</p> <p>8 the Badge stopped using the van support provided by PAL</p> <p>9 because they were able to use van support from Police</p> <p>10 Explorers?</p> <p>11 A. No. We didn't need the vans. I think you</p> <p>12 locked up.</p> <p>13 MS. ULAK: I think he is frozen, yes.</p> <p>14 BY MR. FITZPATRICK:</p> <p>15 Q. I'm sorry, Mr. Sullivan. You were frozen</p> <p>16 there for a moment. Did you hear my question?</p> <p>17 A. Yes, that is not correct.</p> <p>18 Q. Okay. Clarify for me, please?</p> <p>19 A. The Explorers did not -- do not have vans.</p> <p>20 It was not their vans we were using. It was their</p> <p>21 manpower. When we -- PAL provided vans. We no longer</p> <p>22 needed vans. We stopped utilizing PAL, but we did</p> <p>23 utilize Explorers not in place of PAL but separate from</p> <p>24 PAL.</p>	<p>Page 26</p> <p>1 provided by Police Explorers, did you utilize manpower</p> <p>2 provided by PAL?</p> <p>3 A. Well, manpower in terms of driving the van</p> <p>4 but not simply driving the vans. That's how PAL was</p> <p>5 with us.</p> <p>6 Q. Okay. How many vans are we talking here?</p> <p>7 A. I don't recall. I would submit a request</p> <p>8 for permission to utilize whether it be PAL or</p> <p>9 Explorers.</p> <p>10 MR. GOLDEN: Let's go off the record a</p> <p>11 second.</p> <p>12 (A discussion was held off the record to</p> <p>13 try to fix zoom audio from 11:36 a.m. to 11:37 a.m.)</p> <p>14 BY MR. FITZPATRICK:</p> <p>15 Q. So you said you would submit requests for</p> <p>16 the vans?</p> <p>17 A. I would submit a request to the Police</p> <p>18 Commissioner for whatever resources that I want to</p> <p>19 participate in the ride to the shore.</p> <p>20 Q. We are talking about vans now. My question</p> <p>21 would include vans. Okay. I'm confused by that answer</p> <p>22 because I thought earlier you told us that you had</p> <p>23 nothing to do with the procurement of the vans from PAL</p> <p>24 and that was worked out through some other board member</p>
<p>Page 25</p> <p>1 Q. Okay. Well, now I am just speaking</p> <p>2 specifically about the van issue. There was a time</p> <p>3 when you were using vans from PAL and then you stopped</p> <p>4 using vans from PAL. Are you telling us now that vans</p> <p>5 were no longer an issue at all with the program and</p> <p>6 that's why you didn't need vans?</p> <p>7 A. Yes, exactly.</p> <p>8 Q. Okay, all right. And in terms of personnel</p> <p>9 support, it sounds like you are saying you used the</p> <p>10 manpower from Police Explorers. So what was that</p> <p>11 personnel support?</p> <p>12 A. Are you asking me what the Explorers did?</p> <p>13 Q. No. You said "manpower." I'm asking you</p> <p>14 what does that mean?</p> <p>15 A. Meaning that we didn't need vehicles, but we</p> <p>16 needed bodies.</p> <p>17 Q. Okay. And I'm asking what did those bodies</p> <p>18 do?</p> <p>19 A. They would help start with setting up</p> <p>20 barricades, crowd control. They would also help at the</p> <p>21 conclusion just keeping people safe, and it gave an</p> <p>22 opportunity for Explorers who are required to do public</p> <p>23 service.</p> <p>24 Q. Okay. And prior to using the manpower</p>	<p>Page 27</p> <p>1 with Families Behind the Badge.</p> <p>2 Now you just told us that you yourself would</p> <p>3 submit a request for the vans?</p> <p>4 A. I would submit a request for the police</p> <p>5 resources units to be involved. As far as the exact</p> <p>6 number of vans, the one member of the board, it was his</p> <p>7 responsibility with transportation so he would</p> <p>8 determine the number of vans that were needed.</p> <p>9 Q. Okay. Well, the number of vans question,</p> <p>10 that was the question that we were just dealing with.</p> <p>11 But prior to even discussing the number of vans, I</p> <p>12 asked you about the relationship with PAL sending vans</p> <p>13 to children behind or Families Behind the Badge, and</p> <p>14 you told us that you had nothing to do with that. That</p> <p>15 was worked out through some other board member.</p> <p>16 Now you just told us when I asked the</p> <p>17 question regarding the number of vans, you just told us</p> <p>18 that you would submit the request to the Commissioner</p> <p>19 for the vans.</p> <p>20 And I'm trying -- are you telling us that</p> <p>21 there was a board member at Families Behind the Badge</p> <p>22 who would work out the logistics and determine how many</p> <p>23 vans were needed and then you would submit the request</p> <p>24 for the vans?</p>

<p>Page 28</p> <p>1 A. For permission to use PAL vans.</p> <p>2 Q. Okay. So you did, in fact, request the use</p> <p>3 of the vans? You, Commissioner -- Deputy Commissioner</p> <p>4 Sullivan, you requested the vans, correct?</p> <p>5 A. Yes. I did that at other ranks as well.</p> <p>6 Q. Okay. I'm sorry. Did you say you did that</p> <p>7 at other ranks as well?</p> <p>8 A. Every year a memo would be submitted asking</p> <p>9 the Commissioner to utilize police resources, and I</p> <p>10 would list the units like traffic of what that request</p> <p>11 was.</p> <p>12 Q. Okay. And that was done when you were chief</p> <p>13 inspector also, correct?</p> <p>14 A. Correct.</p> <p>15 Q. You froze. I am sorry. That was done when</p> <p>16 you were chief inspector also, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And it was done when you were Deputy</p> <p>19 Commissioner, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And when you were Deputy Commissioner, you</p> <p>22 were Deputy Commissioner and you were in charge of PAL,</p> <p>23 correct?</p> <p>24 A. Yes.</p>	<p>Page 30</p> <p>1 Q. Now, the personnel necessary for operating</p> <p>2 these vans and I'm not asking you to tell us an exact</p> <p>3 number. But you know, are we talking about two vans or</p> <p>4 are we talking about 10?</p> <p>5 A. I'm guessing we were between five and 10.</p> <p>6 Q. Okay.</p> <p>7 A. I'm estimating.</p> <p>8 Q. Okay. And is this a one-day affair? Or</p> <p>9 would personnel have to stay overnight or how would</p> <p>10 this go?</p> <p>11 A. One day.</p> <p>12 Q. One day. So there's no overnight involved?</p> <p>13 A. Unless an officer made that choice.</p> <p>14 Q. Well, if they were operating the van, I'm</p> <p>15 guessing the van is being used to transport people</p> <p>16 there, correct, to the shore?</p> <p>17 A. My understanding is -- no. The vans were</p> <p>18 used for bikes. They were used to pick up people if</p> <p>19 they fell, if they got tired and they weren't able to</p> <p>20 complete the ride.</p> <p>21 Q. Okay. And so tell me about the event.</p> <p>22 A. So it's a bike ride that starts -- it used</p> <p>23 to start at 20th and Market -- I mean, 20th and Walnut</p> <p>24 and you would pedal to Atlantic City. And at some</p>
<p>Page 29</p> <p>1 Q. Okay. So, again, it is safe to say that</p> <p>2 when you were Deputy Commissioner, PAL resources were</p> <p>3 still being utilized to support Families Behind the</p> <p>4 Badge, correct?</p> <p>5 A. No.</p> <p>6 Q. Okay. Why is that not correct?</p> <p>7 A. When Families Behind the Badge utilized PAL</p> <p>8 vans for the ride, that would be included in the memo</p> <p>9 to the Commissioner requesting permission to use police</p> <p>10 resources. And as I stated, at some point, we ceased</p> <p>11 to use the van so that would no longer be in the memo</p> <p>12 due to the Commissioner once we had made that decision.</p> <p>13 As I said, I believe by the time I was Deputy</p> <p>14 Commissioner, we already ceased using the PAL vans.</p> <p>15 Q. Okay. So you don't recall at any point</p> <p>16 Lieutenant Cintron having to work out the logistics to</p> <p>17 provide the vans for The Tour to the Shore?</p> <p>18 A. She may well have. I would have to see what</p> <p>19 year we stopped utilizing.</p> <p>20 Q. Okay. You certainly don't recall ever</p> <p>21 having any discussion with her regarding those vans</p> <p>22 while you were Deputy Commissioner?</p> <p>23 A. I don't. Again, I would need my memory to</p> <p>24 refresh.</p>	<p>Page 31</p> <p>1 point, the starting point changed to the base of the</p> <p>2 Ben Franklin Bridge, but the idea was to have people</p> <p>3 sponsor you to pedal to Atlantic City.</p> <p>4 Q. Okay. And so the day would start with</p> <p>5 people biking from Philadelphia to Atlantic City?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And the vans were used for any number</p> <p>8 of support services carrying bikes, picking up people</p> <p>9 along the way that couldn't finish, that kind of thing;</p> <p>10 is that right?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And at what time would this event</p> <p>13 typically end in Atlantic City?</p> <p>14 A. Mid-afternoon.</p> <p>15 Q. Mid-afternoon. Okay. And were the vans due</p> <p>16 back to PAL, like, that same day or were they returned</p> <p>17 the next day?</p> <p>18 A. That was a policy. That's the decision of</p> <p>19 PAL.</p> <p>20 Q. Well, when you would submit this memo to the</p> <p>21 Commissioner, you would need to tell him how long you</p> <p>22 needed the vans for?</p> <p>23 A. I believe the memo, it just stated the date.</p> <p>24 Q. Okay. So you gave a single date for the</p>

<p>1 event?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 MR. FITZPATRICK: Sharon, I am going to</p> <p>5 ask for a copy of those memos if you guys have access</p> <p>6 to them.</p> <p>7 MS. ULAK: I would ask for what date?</p> <p>8 Like, what years maybe? I'm not really sure what you</p> <p>9 are asking me for?</p> <p>10 MR. FITZPATRICK: From March 2017 to</p> <p>11 March 2020 when Deputy Commissioner Sullivan was in</p> <p>12 command of the PAL structure.</p> <p>13 MS. ULAK: Okay. I'll see what I can</p> <p>14 find.</p> <p>15 MR. FITZPATRICK: Okay.</p> <p>16 BY MR. FITZPATRICK:</p> <p>17 Q. The PAL -- those PAL vans, were those vans</p> <p>18 operated by civilian PAL employees or were they</p> <p>19 operated by police who were assigned to PAL?</p> <p>20 A. My understanding was the police.</p> <p>21 Q. Police. Okay. Now, those police -- how</p> <p>22 many police officers were assigned to PAL?</p> <p>23 A. I would have to check the records. I</p> <p>24 believe it is 37.</p>	<p>Page 32</p> <p>1 referring to the executive director of PAL? Or are you</p> <p>2 referring to someone in one of these sergeant positions</p> <p>3 or Lieutenant Cintron? Who are you referring to?</p> <p>4 A. The lieutenant or sergeants.</p> <p>5 Q. So it, indeed, was their responsibility to</p> <p>6 figure out the staffing in that, correct?</p> <p>7 A. I apologize. Can you repeat that?</p> <p>8 Q. It would have been Lieutenant Cintron's</p> <p>9 responsibility to decide on the staffing for the vans</p> <p>10 that were going to be provided to Families Behind the</p> <p>11 Badge for that event, correct?</p> <p>12 A. Yes. If she was the lieutenant or she</p> <p>13 delegated it to a sergeant.</p> <p>14 Q. Okay. But whether she delegated it to a</p> <p>15 sergeant or not, it is, ultimately, her responsibility</p> <p>16 because she's the lieutenant, and they are now her</p> <p>17 subordinates. You would agree, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, at the time that you were assigned to</p> <p>20 the Deputy Commissioner position and you were taking</p> <p>21 over PAL, did you attempt to make any personnel changes</p> <p>22 when you came into that position related to PAL?</p> <p>23 A. No, not that I recall.</p> <p>24 Q. Not that you recall?</p>
<p>Page 33</p> <p>1 Q. Twenty-seven?</p> <p>2 A. Thirty-seven, I thought.</p> <p>3 Q. Thirty-seven?</p> <p>4 A. But you are asking me to estimate without</p> <p>5 numbers in front of me.</p> <p>6 Q. No. I'm asking you based on the fact that</p> <p>7 you were the commander of PAL. You know that there was</p> <p>8 one lieutenant and there were three sergeants, and you</p> <p>9 told us a number of other numbers related to all of the</p> <p>10 officers and assignments that you had. So I am asking</p> <p>11 you, approximately, how many officers were assigned to</p> <p>12 the PAL detail?</p> <p>13 A. Right. And considering that I had almost 30</p> <p>14 different units, I don't recall exact numbers of each</p> <p>15 one of those units. The number fluctuates. So I know</p> <p>16 that we added personnel in 2017. I believe that's the</p> <p>17 number, but again, I am just qualifying. I would have</p> <p>18 to check the record.</p> <p>19 Q. Okay. And would the van simply be operated</p> <p>20 by one operator or would it be manned by, say, two</p> <p>21 police personnel, the driver and someone assisting?</p> <p>22 A. It would be the decision of the PAL</p> <p>23 supervisor.</p> <p>24 Q. When you say "the PAL supervisor," are you</p>	<p>Page 35</p> <p>1 A. You are talking about when I assumed the</p> <p>2 role?</p> <p>3 Q. Yes, sir.</p> <p>4 A. Yes, not that I recall.</p> <p>5 Q. Okay. At what point did you attempt to make</p> <p>6 personnel changes?</p> <p>7 A. I moved Officer Klayman, K-l-a-y-m-a-n, to</p> <p>8 the Neighborhood Services Unit.</p> <p>9 Q. What position did you move him into?</p> <p>10 A. The Neighborhood Services Unit.</p> <p>11 Q. Okay. And what was his rank?</p> <p>12 A. Police officer.</p> <p>13 Q. How long had he been a police officer?</p> <p>14 A. I don't know.</p> <p>15 Q. Well, what drew your attention to him?</p> <p>16 A. There was an incident inside PAL</p> <p>17 headquarters where there was a confrontation between</p> <p>18 him and an employee of PAL.</p> <p>19 Q. Okay. So he was someone that was already</p> <p>20 working with PAL, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Did you add any police officers to</p> <p>23 the PAL infrastructure as Deputy Commissioner?</p> <p>24 A. I know there was officers added in 2017, but</p>

<p>Page 36</p> <p>1 there were officers added in 2017. I don't recall 2 exactly how many or who they were.</p> <p>3 Q. Were any of those officers added at your 4 insistence or your direction?</p> <p>5 A. I don't recall.</p> <p>6 MS. ULAK: Wait a second. Mr. Green, can 7 you maybe mute yourself?</p> <p>8 MR. GREEN: I'm sorry?</p> <p>9 MS. ULAK: I am just asking if you might 10 be able to mute yourself because we are getting some 11 background noise from you too. We are already having 12 some audio trouble with Mr. Sullivan.</p> <p>13 MR. GREEN: Hold on for a second.</p> <p>14 THE WITNESS: Not that I recall.</p> <p>15 BY MR. FITZPATRICK:</p> <p>16 Q. Okay. So at the time that you come into the 17 Deputy Commissioner position, Lieutenant Cintron is 18 already in charge of the PAL command structure, 19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And Sergeant Faust is one of the sergeants 22 working directly with Lieutenant Cintron, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you had a knowledge and a relationship</p>	<p>Page 38</p> <p>1 she may have sent him to me to deliver a message to me, 2 and I would relay something back. I would have to know 3 the specific circumstance you are talking about.</p> <p>4 Q. Okay. Well, were there -- I should be more 5 clear about my question.</p> <p>6 Were there any job duties that required you 7 to give directions directly to Sergeant Faust as 8 opposed to giving them to Lieutenant Cintron?</p> <p>9 A. There was nothing I ever told Sergeant Faust 10 that he was not supposed to share with Lieutenant 11 Cintron.</p> <p>12 Q. That's not my question, and it's my fault. 13 It is rather inartful.</p> <p>14 My question is: Did Sergeant Faust have any 15 job duties for PAL that required him to report directly 16 to you and take direction directly from you?</p> <p>17 A. No.</p> <p>18 Q. Are you aware of what his duties at PAL 19 were?</p> <p>20 A. He was the administrative sergeant which is 21 why if I had a question or needed information and the 22 Lieutenant wasn't present, then I would go to the next 23 person in the chain of command which would be Sergeant 24 Faust. And I may relay a message to the Lieutenant</p>
<p>Page 37</p> <p>1 with Sergeant Faust going back for, approximately, 2 eight years related to his work with PAL and assisting 3 with Families Behind the Badge; is that right?</p> <p>4 A. I would say I was familiar with him. I 5 would not say I had a relationship with him.</p> <p>6 Q. Okay. You were familiar with him. You say 7 you knew him the best, correct?</p> <p>8 A. Yes, I was the most familiar.</p> <p>9 Q. Did you meet with Sergeant Faust during the 10 time that you were the Deputy Commissioner? Did you 11 have meetings with Sergeant Faust related to his work 12 with PAL?</p> <p>13 A. Yes.</p> <p>14 Q. Did you meet with him related to his work 15 with PAL absent Lieutenant Cintron?</p> <p>16 A. I'm sure that there were times I did.</p> <p>17 Q. Did you ever give Sergeant Faust 18 instructions related to his work with PAL?</p> <p>19 A. I'm sure that I did.</p> <p>20 Q. Is there a reason why you would have given 21 Sergeant Faust instructions directly as opposed to 22 sending those instructions through Lieutenant Cintron?</p> <p>23 A. I would have to have a specific situation 24 that I could comment on because there are times when</p>	<p>Page 39</p> <p>1 through him or ask a question of him. That was normal 2 procedure.</p> <p>3 Q. So it was normal procedure for you to speak 4 with the sergeant in charge of administration rather 5 than speaking with the Lieutenant about those issues?</p> <p>6 A. No, if the Lieutenant was not available.</p> <p>7 Q. I am sorry. You said no, only if the 8 Lieutenant was not available?</p> <p>9 A. I would do that if the Lieutenant was not 10 available.</p> <p>11 Q. Okay. And did you find that often to be the 12 case where it related to Sergeant Faust and Lieutenant 13 Cintron?</p> <p>14 A. No.</p> <p>15 Q. Now, as Deputy Commissioner, did you 16 interact directly with the PAL board?</p> <p>17 A. Only at PAL meetings that I would be invited 18 to with the exception of --</p> <p>19 Q. Now -- I am sorry. With the exception of?</p> <p>20 A. Ron Rabena and Bernie Prazenica and I can't 21 help you with the spelling. I could check my phone.</p> <p>22 Q. Ron Rabena, what was his position?</p> <p>23 A. To my knowledge, he was the executive member 24 of the board.</p>

<p>Page 40</p> <p>1 Q. Okay. And Bernie Prazenica, what was his 2 position?</p> <p>3 A. Similar to Ron. They were members of the 4 executive board. I don't know their exact titles.</p> <p>5 Q. Okay. And did you interact with 6 Lieutenant Ted Qualli, the executive director?</p> <p>7 A. Not directly.</p> <p>8 Q. Okay. So, generally, you would have contact 9 with the PAL board through PAL board meetings, correct?</p> <p>10 A. At that time, I connected with the entire 11 board.</p> <p>12 Q. That's how you connected with the entire 13 board. Aside from that, the exception to that is that 14 you would have contact with Ron and Bernie?</p> <p>15 A. They would reach out to me, yes.</p> <p>16 Q. Okay. How often would you have contact with 17 Ron and Bernie?</p> <p>18 A. It varied. It could be frequent and then 19 not for quite a long time. It would depend whether or 20 not it was a matter that they would need to speak with 21 me about.</p> <p>22 Q. Okay. And on any of those occasions, was 23 Lieutenant Cintron the subject?</p> <p>24 A. Yes.</p>	<p>Page 42</p> <p>1 A. There was a point in which he did, yes.</p> <p>2 Q. Did he bring those complaints to you?</p> <p>3 A. He did.</p> <p>4 Q. And what were his complaints about 5 Lieutenant Cintron?</p> <p>6 A. He complained that after he had made a 7 statement to me about the incident between 8 Officer Klayman and Chase Trimmer, that the Lieutenant 9 wanted to change his hours that he had worked for eight 10 years. And, again, there was an attempt to change his 11 hours after he made a statement to Internal Affairs 12 regarding an investigation in which the Lieutenant was 13 the subject.</p> <p>14 Q. And what was your response to Faust's 15 complaint to you?</p> <p>16 A. I told him that I would speak to the 17 Lieutenant.</p> <p>18 Q. And just back it up really quick. You said 19 there was a complaint from Ron and Bernie regarding 20 spending and Lieutenant Cintron. So from your 21 knowledge, Lieutenant Cintron had authority related to 22 spending?</p> <p>23 A. That was the complaint. She spent without 24 the authority.</p>
<p>Page 41</p> <p>1 Q. Okay. Were there complaints about 2 Lieutenant Cintron?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And those complaints were brought to 5 your attention by Ron and Bernie?</p> <p>6 A. Yes.</p> <p>7 Q. And you addressed those complaints with 8 Lieutenant Cintron?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And what were those complaints that 11 you were addressing with Lieutenant Cintron?</p> <p>12 A. Well, obviously, I don't recall the 13 exhaustive list, but generally, they felt that there 14 was a problem with the working relationship between her 15 and Ted Qualli and other civilian employees with PAL. 16 And there were complaints about spending, complaints 17 about tickets.</p> <p>18 Q. When you say "tickets," what do you mean by 19 tickets?</p> <p>20 A. That they received notifications from 21 collection agencies on tickets that were attached to 22 her PAL vehicle.</p> <p>23 Q. Now, did Sergeant Faust also have complaints 24 about Lieutenant Cintron?</p>	<p>Page 43</p> <p>1 Q. How would she manage that?</p> <p>2 A. That I can't tell you. Well, I can only 3 tell you that there were regional instruments that were 4 purchased for the drumline team, and there were jackets 5 that were purchased for PAL members that were never 6 distributed. And those things were not in the budget, 7 but they got billed to PAL by the Lieutenant without 8 prior knowledge. That was the complaint.</p> <p>9 Q. So the complaint was that items were ordered 10 without prior approval?</p> <p>11 A. Yes.</p> <p>12 Q. Going back to Sergeant Faust and his 13 complaint about Lieutenant Cintron changing his hours, 14 so you told him you would speak with Lieutenant 15 Cintron, correct?</p> <p>16 A. Correct.</p> <p>17 Q. When you spoke with Lieutenant Cintron, did 18 you give her any order regarding this?</p> <p>19 A. Yes. She was directed not to change his 20 hours.</p> <p>21 Q. I'm sorry. Say that again?</p> <p>22 A. She was directed not to change his hours.</p> <p>23 Q. She was directed not to change his hours?</p> <p>24 A. Correct.</p>

<p>Page 44</p> <p>1 Q. Ever?</p> <p>2 A. At least for now.</p> <p>3 Q. Well, was it not well within her authority</p> <p>4 to change the shifts of the sergeants and the hours for</p> <p>5 working at PAL? Was that not within her authority?</p> <p>6 A. That may have been within her authority, but</p> <p>7 in this particular case, it would appear to be</p> <p>8 retaliation. My job was to protect the police</p> <p>9 department from Claimant's retaliation.</p> <p>10 Q. So you did not allow her to change Sergeant</p> <p>11 Faust's schedule because you feared that it would look</p> <p>12 like she was retaliating against Sergeant Faust; is</p> <p>13 that right?</p> <p>14 A. That and that it would not have been in the</p> <p>15 best interest of PAL because of his knowledge of</p> <p>16 administration.</p> <p>17 Q. Okay. So your concern was twofold. One is</p> <p>18 that it would look like retaliation, and two, in your</p> <p>19 estimation, it would not have been in the best interest</p> <p>20 of PAL to change the work hours of Sergeant Faust; is</p> <p>21 that right?</p> <p>22 A. Yes.</p> <p>23 Q. Now, the reassignment of shifts and schedule</p> <p>24 changes, as a lay person, that to me seems to be a</p>	<p>Page 46</p> <p>1 there were changes made by the Lieutenant to put people</p> <p>2 in administrative positions. That I can't speak to.</p> <p>3 Q. Okay. Let me be more clear. You instructed</p> <p>4 Lieutenant Cintron not to change the schedule of</p> <p>5 Sergeant Faust, correct?</p> <p>6 A. Uh-huh, yes.</p> <p>7 Q. But did you also instruct her not to change</p> <p>8 the schedules of any other officers within the PAL</p> <p>9 infrastructure?</p> <p>10 A. No. No one had ever come to me complaining</p> <p>11 about shift change.</p> <p>12 Q. Okay. So it was only Faust that came to you</p> <p>13 complaining about a shift change, correct?</p> <p>14 A. Well, he notified me that he would not be</p> <p>15 the administrative sergeant.</p> <p>16 Q. By virtue of the shift change?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And it was only he who had come to</p> <p>19 you complaining. And it was only he whom you would</p> <p>20 address with Lieutenant Cintron in terms of shift</p> <p>21 changes, correct?</p> <p>22 A. Yes; because of the sensitive position he</p> <p>23 held.</p> <p>24 Q. Okay.</p>
<p>Page 45</p> <p>1 relatively common thing that would happen. Are you</p> <p>2 saying that it was uncommon for schedule changes to be</p> <p>3 made with PAL?</p> <p>4 A. Well, admittedly, there was only two</p> <p>5 sergeants. Therefore, it took away flexibility. But</p> <p>6 the request was never made before these other two</p> <p>7 incidents which was the red flag.</p> <p>8 Q. My question is: Was it a regular duty or</p> <p>9 regular occurrence that schedules or shifts would be</p> <p>10 changed?</p> <p>11 A. No. There would be no change in shift</p> <p>12 schedules since I arrived in that department as</p> <p>13 supervisor.</p> <p>14 Q. You arrived in March of 2017, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And when is this that Faust made this</p> <p>17 complaint to you?</p> <p>18 A. Right after the incident with Claimant</p> <p>19 which, I believe, is November. I would have to double</p> <p>20 check that but I believe.</p> <p>21 Q. Okay. And other officers' shifts were</p> <p>22 changed, correct?</p> <p>23 A. I wouldn't even know that. I mean, PAL</p> <p>24 officers worked one to nine so I'm not quite sure if</p>	<p>Page 47</p> <p>1 MS. ULAK: I'm sorry. I missed the end</p> <p>2 of that answer.</p> <p>3 THE WITNESS: Because of the sensitive</p> <p>4 position that he held.</p> <p>5 MS. ULAK: Okay.</p> <p>6 BY MR. FITZPATRICK:</p> <p>7 Q. And so it seems to follow me that if</p> <p>8 Sergeant Faust was going to be allowed to retain his</p> <p>9 position in the schedule and remain the administrative</p> <p>10 sergeant, that other sergeants would have been denied</p> <p>11 the opportunity to be the administrative sergeant</p> <p>12 because they could never be moved into his position.</p> <p>13 In other words, he became untouchable.</p> <p>14 MS. ULAK: Objection. You can answer.</p> <p>15 THE WITNESS: He was not untouchable. He</p> <p>16 was doing a very good job as the administrative</p> <p>17 sergeant. We only had one other sergeant, and he was</p> <p>18 doing a fantastic job overseeing the activities at the</p> <p>19 PAL center and working. He was doing an exceptional</p> <p>20 job overseeing our PAL center working 1 p to 9 p. nor</p> <p>21 would I have changed him unilaterally because of the</p> <p>22 job that he was doing.</p> <p>23 BY MR. FITZPATRICK:</p> <p>24 Q. The other sergeant that was doing an</p>

<p>Page 48</p> <p>1 outstanding job, what was his name?</p> <p>2 A. That's Pascucci.</p> <p>3 Q. And, again, it was your understanding that</p> <p>4 if Sergeant Faust's schedule was changed, he would no</p> <p>5 longer have those administrative duties?</p> <p>6 A. He would be splitting those administrative</p> <p>7 duties with Sergeant Pascucci, theoretically. No one</p> <p>8 would be available with the administrative background</p> <p>9 of PAL from 9 a.m. to 1 p.m.</p> <p>10 Q. From 9 a.m. to 1 p.m.?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. So it was for those reasons that you</p> <p>13 would not allow Lieutenant Cintron to exercise her</p> <p>14 discretion in terms of changing his schedule?</p> <p>15 A. It was for the reasons that I gave you.</p> <p>16 Q. Okay. Did there ever come a point when you</p> <p>17 did allow Lieutenant Cintron to exercise her judgment</p> <p>18 and discretion in changing Sergeant Faust's schedule?</p> <p>19 A. I did not allow Sergeant Faust's schedule to</p> <p>20 be changed prior to the Lieutenant going on family</p> <p>21 medical leave of absence.</p> <p>22 Q. I heard everything up until "prior to."</p> <p>23 A. The Lieutenant going on family medical leave</p> <p>24 of absence.</p>	<p>Page 50</p> <p>1 Faust?</p> <p>2 A. Which complaint?</p> <p>3 Q. Sergeant Faust's complaint regarding</p> <p>4 Lieutenant Cintron. I said, did he complain that she</p> <p>5 was changing his schedule, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And now I'm asking you the same question</p> <p>8 that I asked you related to Ron and Bernie with respect</p> <p>9 to Sergeant Faust.</p> <p>10 A. You have to repeat the question. I don't</p> <p>11 understand.</p> <p>12 Q. Did you ever take any disciplinary action</p> <p>13 against Lieutenant Cintron related to the complaint</p> <p>14 from Sergeant Faust?</p> <p>15 A. No.</p> <p>16 Q. Now, did Lieutenant Cintron ever complain to</p> <p>17 you regarding Sergeant Faust?</p> <p>18 A. Complain to me personally? Verbally? Not</p> <p>19 that I recall.</p> <p>20 Q. Did Lieutenant Cintron ever speak with you</p> <p>21 regarding disciplinary action against Sergeant Faust?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Did there ever come a time when Lieutenant</p> <p>24 Cintron spoke with you regarding complaints about how</p>
<p>Page 49</p> <p>1 Q. Okay. Did you allow his schedule to be</p> <p>2 changed after that?</p> <p>3 A. No. And I only had two sergeants, and the</p> <p>4 investigation was ongoing. I was not going to expose</p> <p>5 the department to a risk of another lawsuit. Nor was</p> <p>6 there an operation to change his hours.</p> <p>7 Q. Did you ever take any disciplinary action</p> <p>8 against Lieutenant Cintron related to these complaints</p> <p>9 from --</p> <p>10 A. I'm sorry, you froze up again.</p> <p>11 MS. ULAK: Let's go off the record to</p> <p>12 keep things clean right now.</p> <p>13 (Zoom transmission interruption from</p> <p>14 12:17 p.m. to 12:18 p.m.)</p> <p>15 MR. FITZPATRICK: Can you read back?</p> <p>16 (The court reporter read back the last</p> <p>17 question.)</p> <p>18 BY MR. FITZPATRICK:</p> <p>19 Q. Did you ever take any disciplinary action</p> <p>20 against Lieutenant Cintron related to the complaints</p> <p>21 from Ron and Bernie?</p> <p>22 A. No.</p> <p>23 Q. Have you given us the extent of the action</p> <p>24 that you took related to the complaint from Sergeant</p>	<p>Page 51</p> <p>1 you treated Lieutenant Cintron?</p> <p>2 A. Not that I recall.</p> <p>3 Q. Did you ever become aware of Lieutenant</p> <p>4 Cintron going to another Deputy Commissioner or to the</p> <p>5 Commissioner with complaints regarding your treatment</p> <p>6 of Lieutenant Cintron?</p> <p>7 A. I'm not aware of that.</p> <p>8 Q. Did there ever come a time when you</p> <p>9 instructed Lieutenant Cintron to not attempt to go over</p> <p>10 your head but to bring any complaints that she had</p> <p>11 directly to you?</p> <p>12 A. No. Lieutenant Cintron was never told she</p> <p>13 could not go to another Deputy Commissioner about</p> <p>14 complaints above my head about complaints about me.</p> <p>15 She was simply directed if she needed resources in the</p> <p>16 police department, to request them through my office</p> <p>17 before going to an office above me. That is the chain</p> <p>18 of command that we follow in the police department.</p> <p>19 Q. Okay. So that was almost an answer to my</p> <p>20 question. My question is: Did you ever have a</p> <p>21 conversation with Lieutenant Cintron about how she was</p> <p>22 to report complaints about you?</p> <p>23 A. No.</p> <p>24 Q. Who then articulated what you just told us</p>

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<p>1 in your last answer?</p> <p>2 A. Can you repeat the question?</p> <p>3 Q. Who articulated what you just told us about</p> <p>4 what Lieutenant Cintron was told regarding complaints</p> <p>5 in the chain of command? Who told her that</p> <p>6 information?</p> <p>7 A. It was not about complaints about the chain</p> <p>8 of command. It was the acquisition of resources.</p> <p>9 Q. Who gave her that information, sir?</p> <p>10 A. On how to acquire resources?</p> <p>11 Q. Who gave her that information, sir?</p> <p>12 A. What information, sir?</p> <p>13 Q. The information that you just stated?</p> <p>14 A. Regarding the acquisition of resources was a</p> <p>15 memo from my administrative sergeant.</p> <p>16 Q. A memo from your administrative sergeant?</p> <p>17 A. Yes, my executive officer.</p> <p>18 Q. What was that person's name?</p> <p>19 A. Christopher Shevlin, S-h-e-v-l-i-n.</p> <p>20 Q. Did he create that memo at your direction?</p> <p>21 A. Yes.</p> <p>22 Q. What prompted you to have him create that</p> <p>23 memo?</p> <p>24 A. A staff member from Deputy Patterson's</p>	<p>1 Q. When you tell us that Lieutenant Cintron</p> <p>2 acknowledged the memo, are you telling us that she</p> <p>3 acknowledged the receipt of the memo verbally to you?</p> <p>4 Or are you saying that she responded with a memo of her</p> <p>5 own? How did she acknowledge receipt of the memo?</p> <p>6 A. With another e-mail. I apologize. It was</p> <p>7 an e-mail that was sent to her, and she by e-mail</p> <p>8 acknowledged receipt of the e-mail from Sergeant</p> <p>9 Shevlin, S-h-e-v-l-i-n.</p> <p>10 Q. So at not point did you have a face-to-face</p> <p>11 meeting with Lieutenant Cintron regarding this</p> <p>12 conversation that she had with Deputy Commissioner</p> <p>13 Patterson, correct?</p> <p>14 A. It wasn't a meeting.</p> <p>15 Q. I'll ask again. At any point did you have a</p> <p>16 face-to-face conversation with Lieutenant Cintron</p> <p>17 regarding what she had said to Deputy Commissioner</p> <p>18 Patterson?</p> <p>19 A. I do not recall having a face-to-face</p> <p>20 meeting with Lieutenant Cintron about her requesting</p> <p>21 resources through the office of the First Deputy.</p> <p>22 Q. At that time you used the word "meeting." I</p> <p>23 did not. So I just want to be clear. I'm not asking</p> <p>24 you if you had a meeting with Lieutenant Cintron. I'm</p>
Page 53	Page 55
<p>1 office came into my office and was directing my staff</p> <p>2 to acquire traffic resources for a PAL event. And when</p> <p>3 asked why and how he became aware of the need, he said</p> <p>4 the Lieutenant had called the first deputy's office</p> <p>5 directly. And she was told in the future that if she</p> <p>6 needed resources for an event, please start with</p> <p>7 following her chain of command and make the request</p> <p>8 through her deputy. My job is to take work away from</p> <p>9 our boss not add to.</p> <p>10 Q. But you told her none of that in a</p> <p>11 face-to-face meeting between yourself and Lieutenant</p> <p>12 Cintron; is that correct?</p> <p>13 A. Correct, not that I recall. She</p> <p>14 acknowledged the memo.</p> <p>15 Q. How did she acknowledge the memo?</p> <p>16 A. I don't know. I can't tell you what her</p> <p>17 exact words were, but she acknowledged that she</p> <p>18 received the memo.</p> <p>19 Q. Well, when you say she acknowledged receipt</p> <p>20 of the memo, are you telling us about a face-to-face</p> <p>21 discussion that you had with Lieutenant Cintron?</p> <p>22 MS. ULAK: Mr. Fitzpatrick, you may have</p> <p>23 frozen so you might want to repeat your question.</p> <p>24 BY MR. FITZPATRICK:</p>	<p>1 asking if you ever addressed her face to face regarding</p> <p>2 the conversation that she had with Deputy Commissioner</p> <p>3 Patterson. That's what I am asking. I'm not asking if</p> <p>4 you had a meeting. I'm asking did you ever address her</p> <p>5 face to face regarding it?</p> <p>6 A. I don't recall whether we ever had a</p> <p>7 conversation in person. To my knowledge, it was in an</p> <p>8 e-mail.</p> <p>9 Q. Okay. And, you know, we should have done</p> <p>10 this earlier, but as Deputy Commissioner, where was</p> <p>11 your physical office?</p> <p>12 A. Police headquarters Eighth and Race.</p> <p>13 Q. And where was Sergeant Faust's office?</p> <p>14 A. PAL's headquarters.</p> <p>15 Q. Located where?</p> <p>16 A. I'm guessing I think it's 3691 Belgrade.</p> <p>17 Q. Would that be at Eighth and Race or would</p> <p>18 that be at PAL?</p> <p>19 A. 3601 Belgrade is PAL's headquarters.</p> <p>20 Q. So you would come to PAL and that's when you</p> <p>21 would encounter Sergeant Faust?</p> <p>22 A. The only time I came to PAL is when I was</p> <p>23 requested to be there by the Lieutenant.</p> <p>24 Q. Okay. My question was: Where would you</p>

<p>Page 56</p> <p>1 meet with Sergeant Faust when you would give him</p> <p>2 direction?</p> <p>3 A. It could be at my office. It could be over</p> <p>4 the phone. There was no particular place. It was a</p> <p>5 rare incident.</p> <p>6 Q. Did you ever tell Sergeant Faust that he</p> <p>7 could disregard Lieutenant Cintron and come directly to</p> <p>8 you?</p> <p>9 A. No.</p> <p>10 Q. Did there come a time when you became aware</p> <p>11 of an Internal Affairs investigation that Lieutenant</p> <p>12 Cintron was the subject of?</p> <p>13 A. Yes.</p> <p>14 Q. Did you play any role in the complaint to</p> <p>15 Internal Affairs that led to that investigation?</p> <p>16 A. No.</p> <p>17 Q. Do you recall if that investigation was</p> <p>18 being run by Lieutenant Conway?</p> <p>19 A. I don't know who the investigator was.</p> <p>20 Q. Do you recall investigators from Internal</p> <p>21 Affairs speaking with you regarding closing down that</p> <p>22 investigation?</p> <p>23 A. No.</p> <p>24 Q. Did you ever suggest to the investigators</p>	<p>Page 58</p> <p>1 Q. Okay. At any time did you become aware of</p> <p>2 complaints regarding your treatment of Lieutenant</p> <p>3 Cintron?</p> <p>4 A. No.</p> <p>5 Q. At any time were you aware that the</p> <p>6 detectives conducting the Internal Affairs</p> <p>7 investigation had questions regarding your treatment of</p> <p>8 Lieutenant Cintron?</p> <p>9 A. No.</p> <p>10 Q. Would it surprise you to know that it was</p> <p>11 the detectives conducting the Internal Affairs</p> <p>12 investigation who suggested to Lieutenant Cintron that</p> <p>13 she might be the victim of a witch hunt?</p> <p>14 A. I have no knowledge of that.</p> <p>15 Q. Do you have any knowledge of Internal</p> <p>16 Affairs investigators suggesting to Lieutenant Cintron</p> <p>17 that she may want to consider filing an EEOC complaint?</p> <p>18 A. I'm sure they followed department policy at</p> <p>19 that point.</p> <p>20 Q. Why do you say that?</p> <p>21 A. If someone makes an allegation, you have a</p> <p>22 responsibility to advise them as to what that procedure</p> <p>23 is.</p> <p>24 Q. Okay. But you are not giving us that answer</p>
<p>Page 57</p> <p>1 that they should keep digging to try to find something</p> <p>2 on Lieutenant Cintron?</p> <p>3 A. At no time did I ever speak to the</p> <p>4 investigators.</p> <p>5 Q. Either on the record or off the record; is</p> <p>6 that right?</p> <p>7 A. Either on the record or off the record.</p> <p>8 Q. How did you receive information regarding</p> <p>9 the investigation?</p> <p>10 A. I didn't receive information.</p> <p>11 Deputy Commissioner Wimberly is the only appropriate</p> <p>12 person for me to speak to in giving me an idea of how</p> <p>13 much longer the investigation was going to take.</p> <p>14 Q. Deputy Commission Wimberly was in charge of</p> <p>15 Internal Affairs, correct?</p> <p>16 A. That is correct.</p> <p>17 Q. And is that who you got your information</p> <p>18 regarding the Internal Affairs investigation from?</p> <p>19 A. Simply how much longer it would be. She did</p> <p>20 not discuss the details with me.</p> <p>21 Q. Okay. But that is the only personnel</p> <p>22 related to Internal Affairs that you spoke with</p> <p>23 regarding the investigation at all; is that correct?</p> <p>24 A. That is correct.</p>	<p>Page 59</p> <p>1 related on any knowledge that you have concerning the</p> <p>2 investigation or their impressions of your treatment of</p> <p>3 Lieutenant Cintron; is that correct?</p> <p>4 A. I have no knowledge, no.</p> <p>5 Q. Let me back up to Lieutenant Cintron and</p> <p>6 complaints regarding Sergeant Faust. Are you telling</p> <p>7 us that you don't recall Lieutenant Cintron making any</p> <p>8 complaints to your office regarding Sergeant Faust?</p> <p>9 A. When you say "my office," what does that</p> <p>10 mean?</p> <p>11 Q. Your office as Deputy Commissioner. You or</p> <p>12 Mr. Shevlin or anyone who worked under your command.</p> <p>13 Did Lieutenant Cintron make complaints regarding</p> <p>14 Sergeant Faust?</p> <p>15 A. I can't speak to Sergeant Shevlin. I can</p> <p>16 only speak for myself. There were times I'm sure she</p> <p>17 mentioned but nothing that I can recall specifically.</p> <p>18 Q. Okay. Do you recall Lieutenant Cintron</p> <p>19 complaining about the use of police time and a missing</p> <p>20 camera or the use of a camera?</p> <p>21 A. I'm sorry, the use of a camera?</p> <p>22 Q. A camera, yes.</p> <p>23 A. I don't recall that.</p> <p>24 Q. A rather expensive camera, a \$15,000 news</p>

<p>1 camera? Do you have any recollection of that?</p> <p>2 A. No. I am not aware that we had a \$15,000</p> <p>3 camera.</p> <p>4 Q. Did the other sergeants other than Faust,</p> <p>5 did you interact with them directly and give them</p> <p>6 direct instructions?</p> <p>7 A. I interacted with Sergeant Pascucci. I</p> <p>8 don't know if I ever gave him -- I can't tell you if I</p> <p>9 ever gave him directions.</p> <p>10 Q. Okay.</p> <p>11 A. If I see something and he is the supervisor,</p> <p>12 I have every right to give him directions, but my</p> <p>13 interactions with him were much less because of the</p> <p>14 hours that he worked. But I did have direct</p> <p>15 interactions with him just like I did with all of the</p> <p>16 supervisors. There are hundreds of supervisors who</p> <p>17 worked for me.</p> <p>18 Q. Okay. What about Sergeant Irvin? Did you</p> <p>19 ever give him direct instructions?</p> <p>20 A. No. He was not with us long.</p> <p>21 Q. Have you yourself been the subject of any</p> <p>22 complaints regarding your treatment of female</p> <p>23 subordinates in the police department?</p> <p>24 A. Not that I am aware of.</p>	<p>Page 60</p> <p>1 newspaper. And when I ordered him to go back to the</p> <p>2 disciplinary room, he punched me.</p> <p>3 Q. And is it fair to say that -- did you</p> <p>4 outrank that officer?</p> <p>5 A. Yes.</p> <p>6 Q. Is it fair to say that would have been</p> <p>7 damaging to his career to take that action, correct?</p> <p>8 A. I'm not going to offer a judgment on that.</p> <p>9 Q. It would not have been a good thing to punch</p> <p>10 your superior, correct?</p> <p>11 A. No, but his career was already in peril.</p> <p>12 Q. Okay. And was part of his allegation that</p> <p>13 you had treated him unfairly in some kind of way?</p> <p>14 A. No, not that I am aware of.</p> <p>15 Q. Okay. Do you know why he punched you?</p> <p>16 A. Because he was about to be convicted of the</p> <p>17 PBI, Police Board of Inquiry, and I was a witness.</p> <p>18 Q. Okay. And this was a white officer you</p> <p>19 said?</p> <p>20 A. Yes, sir.</p> <p>21 MR. FITZPATRICK: Can we take a</p> <p>22 five-minute break and we'll come back?</p> <p>23 (A brief recess was taken from 12:41 p.m.</p> <p>24 to 12:56 p.m.)</p> <p>Page 62</p>
<p>Page 61</p> <p>1 Q. Have there ever been any complaints against</p> <p>2 you concerning negative treatment of racial minorities?</p> <p>3 A. Not that I am aware of.</p> <p>4 Q. Okay. Were you ever assaulted by someone</p> <p>5 who claimed that you had mistreated them based on their</p> <p>6 race?</p> <p>7 A. No.</p> <p>8 Q. It was not an incident where you were</p> <p>9 punched by another police officer?</p> <p>10 A. It was a white police officer. There was no</p> <p>11 allegation.</p> <p>12 Q. I'm sorry. I did not hear your answer.</p> <p>13 A. Your question was -- you are going to have</p> <p>14 to repeat your question.</p> <p>15 Q. I'm just asking you to repeat your answer.</p> <p>16 A. I didn't understand the question.</p> <p>17 Q. Okay. The question was: Were you ever</p> <p>18 punched or assaulted by another officer claiming that</p> <p>19 you had mistreated them?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Please give us the details.</p> <p>22 A. An officer had his PBI -- Police Board of</p> <p>23 Inquiry hearing, his disciplinary hearing. He began</p> <p>24 yelling and cursing at me while I was reading a</p>	<p>Page 63</p> <p>1 BY MR. FITZPATRICK:</p> <p>2 Q. All right. Just a couple more things I want</p> <p>3 to ask you questions regarding -- one is there was an</p> <p>4 issue of a Memorandum of Understanding or an MOU that</p> <p>5 was to be created to outline the relationship between</p> <p>6 PAL and the police department. Do you recall that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. And who was in charge of developing</p> <p>9 that MOU?</p> <p>10 A. The City law department.</p> <p>11 Q. All right. And at some point did you have a</p> <p>12 meeting with Lieutenant Cintron and representatives of</p> <p>13 PAL regarding that MOU?</p> <p>14 A. I believe so. I believe that's correct. I</p> <p>15 don't recall exactly where or when that was.</p> <p>16 Q. Okay. Do you recall any of the conversation</p> <p>17 at that meeting then?</p> <p>18 A. To the best of my recollection, I know there</p> <p>19 was a conversation. I don't know who was at the</p> <p>20 meeting or after, but it was expressed to me by Ron and</p> <p>21 Bernie that the board was very -- felt very negative</p> <p>22 and offended by the MOU, and that they weren't inclined</p> <p>23 to sign it.</p> <p>24 Q. Okay. Had you reviewed the MOU yourself at</p>

<p>Page 64</p> <p>1 that point?</p> <p>2 A. I'm sure I had.</p> <p>3 Q. Okay. Did you have similar feelings?</p> <p>4 A. Well, it was -- it would have represented a</p> <p>5 deviation in the way that things were done and the way</p> <p>6 that duties were. Yeah, I felt that I was not someone</p> <p>7 that really knew the inner workings of PAL to have the</p> <p>8 best understanding of it. But I know the board was</p> <p>9 opposed to it.</p> <p>10 Q. Okay. So at some point did you -- let me</p> <p>11 back up. It seems clear to me that Lieutenant Cintron</p> <p>12 was in favor of this MOU. Would that be fair to say</p> <p>13 from your recollection?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And did you -- did you tell Ron and</p> <p>16 Bernie not to worry about the MOU or to not concern</p> <p>17 themselves with the MOU?</p> <p>18 A. I put it aside and initially I pushed for</p> <p>19 the MOU. And I pushed the law department to expedite.</p> <p>20 I know it took an extremely long period of time. I</p> <p>21 can't remember exactly how long. I know that by the</p> <p>22 time that it arrived, and there was discussion and</p> <p>23 objections from the PAL board, it got set aside. And</p> <p>24 other incidents including -- other incidents occurred</p>	<p>Page 66</p> <p>1 the -- she is the police personnel that has the direct</p> <p>2 contact with PAL and running the police infrastructure</p> <p>3 for PAL; isn't that right?</p> <p>4 A. That's correct.</p> <p>5 Q. But you set her aside in this discussion</p> <p>6 regarding the imposition of the MOU?</p> <p>7 A. I didn't set her aside. I was well aware of</p> <p>8 her feelings, and I considered that. But I also had to</p> <p>9 consider the impact that it could possibly have on the</p> <p>10 Police Commissioner if this M -- Memo of Understanding,</p> <p>11 I'm sorry, and the PAL board members resigning. That</p> <p>12 is something that I also have to take into</p> <p>13 consideration.</p> <p>14 Q. Okay. But you promised Ron and Bernie that</p> <p>15 you would have the discussion with the Commissioner and</p> <p>16 not with Lieutenant Cintron?</p> <p>17 A. I did not promise them that.</p> <p>18 MS. ULAK: Objection, go ahead. Sorry.</p> <p>19 THE WITNESS: I did not promise them</p> <p>20 that.</p> <p>21 BY MR. FITZPATRICK:</p> <p>22 Q. Well, you told them that you would discuss</p> <p>23 it with your superiors and come back to it at another</p> <p>24 time; is that right?</p>
<p>Page 65</p> <p>1 at PAL which by the time they were resolved, the</p> <p>2 Lieutenant was on family medical leave of absence. And</p> <p>3 the two remaining sergeants did not feel that it was</p> <p>4 necessary to ensure that PAL was running smooth. So</p> <p>5 there was no point in pushing the issue and causing the</p> <p>6 board members to resign.</p> <p>7 Q. So PAL board members threatened to resign if</p> <p>8 this MOU was put in place? Is that what you are</p> <p>9 telling us?</p> <p>10 A. That is what Bernie and/or Ron -- I don't</p> <p>11 know if it was both or one expressed to me that board</p> <p>12 members were indicating that they would resign.</p> <p>13 Q. And do you recall what specifically was in</p> <p>14 this MOU that board members felt so strongly about that</p> <p>15 that it would cause them to resign?</p> <p>16 A. I don't.</p> <p>17 Q. But at any rate, you told Bernie and Ron</p> <p>18 that you could set aside the MOU and not proceed with</p> <p>19 the MOU; is that right?</p> <p>20 A. I told them we would discuss it further.</p> <p>21 Meaning myself and my superiors.</p> <p>22 Q. Okay. But not Lieutenant Cintron?</p> <p>23 A. No.</p> <p>24 Q. Wasn't it true that Lieutenant Cintron is</p>	<p>Page 67</p> <p>1 MS. ULAK: Objection. You can answer.</p> <p>2 THE WITNESS: That is correct.</p> <p>3 BY MR. FITZPATRICK:</p> <p>4 Q. Is that correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. And --</p> <p>7 A. I told them I would discuss it with the</p> <p>8 Commissioner and Deputy Patterson.</p> <p>9 Q. Okay, right. And so that would have left</p> <p>10 Lieutenant Cintron out of that discussion?</p> <p>11 A. No. I would discuss it with her after I</p> <p>12 spoke to them.</p> <p>13 Q. Okay. So it was your intention to discuss</p> <p>14 it with Lieutenant Cintron after you had discussed it</p> <p>15 with the Commissioner and with Deputy Commissioner</p> <p>16 Patterson?</p> <p>17 A. Correct.</p> <p>18 Q. And when I say "Commissioner" throughout,</p> <p>19 this time that's Commissioner Ross, correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. Was that MOU ever executed?</p> <p>22 A. No.</p> <p>23 Q. Back to The Tour at The Shore, when officers</p> <p>24 were used to drive the vans, to conduct The Tour at The</p>

<p style="text-align: right;">Page 68</p> <p>1 Shore, that would have had an affect on policemen power</p> <p>2 at the PAL facilities, correct?</p> <p>3 A. Not necessarily, no. They are not open on</p> <p>4 Sundays.</p> <p>5 Q. Okay. So Tour to The Shore is on a Sunday?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. And so PAL operations at the PAL</p> <p>8 facilities would have been unaffected by Tour to The</p> <p>9 Shore, correct?</p> <p>10 A. If managed appropriately, yes.</p> <p>11 Q. Well, you said they are closed on Sundays.</p> <p>12 So...</p> <p>13 A. My answer would be I am unaware about how it</p> <p>14 would negatively affect PAL operations.</p> <p>15 Q. All right. Well, forget about the word</p> <p>16 "negative" because that makes it sound like I'm saying</p> <p>17 something negative and I am not. I'm simply asking</p> <p>18 would it have any impact on operations?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Okay. And police policy for making a</p> <p>21 complaint about a superior officer if Lieutenant</p> <p>22 Cintron had a complaint about you, she wouldn't come to</p> <p>23 you with that complaint, would she? Of course, she</p> <p>24 could but she would, essentially, go over your head to</p>	<p style="text-align: right;">Page 70</p> <p>1 A. Yes, it is.</p> <p>2 Q. Okay. And you had no knowledge of</p> <p>3 complaints related to disparities in funding, correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Do you have any knowledge with respect to</p> <p>6 complaints related to disparities and other resources?</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. Okay. We spoke about a drumline earlier,</p> <p>9 instruments for a drumline. Do you recall that?</p> <p>10 A. Yes.</p> <p>11 Q. Did PAL have some kind of a drumline program</p> <p>12 for the youth?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And at some point did you witness the</p> <p>15 performance of the PAL drumline at a police event?</p> <p>16 A. Yes, they were excellent.</p> <p>17 Q. Okay. Do you recall asking Lieutenant</p> <p>18 Cintron for the contact information for the leader of</p> <p>19 the drumline? The person who helped administer the</p> <p>20 program and teach the drum to the youth. Do you recall</p> <p>21 that?</p> <p>22 A. Asking her for his contact information?</p> <p>23 Q. Yes.</p> <p>24 A. No, I don't recall that.</p>
<p style="text-align: right;">Page 69</p> <p>1 make that complaint or at least, laterally to another</p> <p>2 Deputy Commissioner, correct?</p> <p>3 MS. ULAK: Objection to form. You can</p> <p>4 answer.</p> <p>5 THE WITNESS: Correct.</p> <p>6 BY MR. FITZPATRICK:</p> <p>7 Q. So if Lieutenant Cintron had a complaint</p> <p>8 about you going to Deputy Commissioner Patterson, that</p> <p>9 would have been a permissible person to go to if she</p> <p>10 had such a complaint, correct?</p> <p>11 A. Correct.</p> <p>12 MS. ULAK: I object to the form. You can</p> <p>13 answer.</p> <p>14 THE WITNESS: Correct.</p> <p>15 BY MR. FITZPATRICK:</p> <p>16 Q. And I have your response to Plaintiff's</p> <p>17 Interrogatories and so I rely on your response, but I</p> <p>18 certainly want to give you a chance to address these in</p> <p>19 the event that we have it.</p> <p>20 Mr. Sullivan, according to your response to</p> <p>21 Interrogatories, you had no knowledge of disparities in</p> <p>22 funding between PAL centers and minority communities</p> <p>23 and PAL centers and white communities in Philadelphia.</p> <p>24 Is that still a correct answer?</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. Do you recall utilizing the same</p> <p>2 drumline instructor for any of the programs associated</p> <p>3 with Families Behind the Badge?</p> <p>4 A. The district utilized the same officer from</p> <p>5 the drumline that we financed.</p> <p>6 Q. When you say "we financed," who is the "we"?</p> <p>7 A. Families Behind the Badge.</p> <p>8 Q. Families Behind the Badge financed and</p> <p>9 utilized the same drumline instructor?</p> <p>10 A. The captain of the 25th District where the</p> <p>11 officer was assigned chose the officer and requested</p> <p>12 money to purchase musical instruments through Families</p> <p>13 Behind the Badge following the normal grant application</p> <p>14 and receiving it.</p> <p>15 Q. Right. But that's a very long answer to a</p> <p>16 very short question. My question is simply: Was it</p> <p>17 the same person that did the PAL drumline?</p> <p>18 MS. ULAK: I am going to object because I</p> <p>19 don't think that was your question, but you can answer</p> <p>20 Mr. Fitzpatrick's question.</p> <p>21 THE WITNESS: The person that the</p> <p>22 commanding officer at the 25th District picked to</p> <p>23 create a drumline band in the 25th District was the</p> <p>24 same officer.</p>

<p>Page 72</p> <p>1 BY MR. FITZPATRICK:</p> <p>2 Q. Thank you.</p> <p>3 A. Yes.</p> <p>4 Q. Thank you. Okay. That officer was he able</p> <p>5 to continue his work with the PAL drumline? Did he</p> <p>6 continue his work with the PAL drumline?</p> <p>7 A. He did not but he ceased that. I have no</p> <p>8 idea why he did not.</p> <p>9 Q. I did not ask you if you knew why. I asked</p> <p>10 you did he continue his work with the PAL drumline?</p> <p>11 A. No.</p> <p>12 Q. In fact, do you recall there being a story</p> <p>13 on the news about the drumline that he worked with,</p> <p>14 with Families Behind the Badge? Do you recall that?</p> <p>15 A. Not independently but I would not be</p> <p>16 surprised if there was.</p> <p>17 MR. FITZPATRICK: Give me one second. I</p> <p>18 think we are just about ready to wrap. (Pause.)</p> <p>19 All right, Mr. Sullivan. I think that we</p> <p>20 are done. I don't have any further questions at this</p> <p>21 time.</p> <p>22 Again, Ms. Ulak, I would ask you to</p> <p>23 provide me with those memorandums that Mr. Sullivan</p> <p>24 discussed regarding his request for resources to the</p>	<p>Page 74</p> <p>1 happy to look at any documentation you have that would</p> <p>2 refresh my memory.</p> <p>3 Q. Did you ever tell Lieutenant Cintron that</p> <p>4 anyone at PAL wanted her removed from the board or</p> <p>5 pardon me. Let me rephrase that.</p> <p>6 Did you ever tell Lieutenant Cintron that</p> <p>7 anyone at PAL wanted her removed as the commanding</p> <p>8 officer?</p> <p>9 A. I did not. No one ever made that request of</p> <p>10 me from the PAL group.</p> <p>11 MR. GOLDEN: Thank you very much,</p> <p>12 Mr. Sullivan. That's all I have.</p> <p>13 MS. ULAK: Mr. Sullivan, I just have a</p> <p>14 couple questions for you.</p> <p>15 EXAMINATION BY MS. ULAK:</p> <p>16 Q. A little while ago in the deposition there</p> <p>17 was some discussion about you moving Officer Klayman to</p> <p>18 Neighborhood Services. Do you recall why you moved</p> <p>19 Officer Klayman to Neighborhood Services?</p> <p>20 A. There was the confrontation that occurred --</p> <p>21 I will say a heated verbal argument in which there was</p> <p>22 an accusation that Officer Klayman who was on at the</p> <p>23 time may have offered the PAL employee who he was</p> <p>24 arguing with to step outside and the insinuation being</p>
<p>Page 73</p> <p>1 Commissioner from PAL between March of 2017 and March</p> <p>2 of 2020.</p> <p>3 And with that, Mr. Sullivan, the other</p> <p>4 attorneys may have some questions for you at this time.</p> <p>5 MS. ULAK: Thank you.</p> <p>6 Mr. Golden, do you have any questions?</p> <p>7 MR. GOLDEN: Thank you.</p> <p>8 EXAMINATION BY MR. GOLDEN:</p> <p>9 Q. Mr. Sullivan, just so I don't come across</p> <p>10 the wrong way, do you want me to call you Mr. Sullivan</p> <p>11 or what is your rank so I can properly address you?</p> <p>12 A. Mr. Sullivan, Joe is fine, sir.</p> <p>13 Q. Okay. Mr. Sullivan, I think I just have one</p> <p>14 or two quick questions. Were you ever instructed to</p> <p>15 exclude Lieutenant Cintron from any PAL meetings?</p> <p>16 A. Absolutely not.</p> <p>17 Q. Did you instruct anyone within the City to</p> <p>18 exclude -- and so let me draw a distinction here. I am</p> <p>19 going to ask two questions. City employees meaning</p> <p>20 police officers then I am going to ask a question about</p> <p>21 PAL. Do you recall any instances where you instructed</p> <p>22 a City employee to exclude Lieutenant Cintron from a</p> <p>23 PAL meeting?</p> <p>24 A. I have no recollection of that, but I am</p>	<p>Page 75</p> <p>1 for a physical confrontation. I don't know if that is</p> <p>2 what he meant, but it disrupted the workplace with PAL.</p> <p>3 Q. And there was also a discussion about</p> <p>4 Sergeant Faust and his work assignment, his shift, I</p> <p>5 should say. When did Sergeant Faust come to you with</p> <p>6 concerns about his shift?</p> <p>7 A. He received notification of a change to his</p> <p>8 hours after the Claimant's incident and then after he</p> <p>9 made a statement to Internal Affairs.</p> <p>10 Q. Okay. Wait. One more question. And that</p> <p>11 statement to Internal Affairs was regarding an</p> <p>12 investigation into whom?</p> <p>13 A. Lieutenant Cintron.</p> <p>14 MS. ULAK: Okay. That's all I have.</p> <p>15 Thank you. I think that concludes the deposition</p> <p>16 unless anybody has any other questions for him.</p> <p>17 MR. FITZPATRICK: I don't have any other</p> <p>18 follow up for him. Thank you.</p> <p>19 MS. ULAK: Okay, thank you.</p> <p>20 MR. GOLDEN: Thank you. Lori, I will</p> <p>21 request a copy of the transcript regular delivery,</p> <p>22 electronic only.</p> <p>23 MS. ULAK: Same for me, thank you.</p> <p>24 MR. FITZPATRICK: I will take it the</p>

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1 same, Lori.

2 - - -

3 (Witness excused.)

4 (Oral Remote Deposition concluded at 1:15 p.m.)

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1 CERTIFICATE

2
3
4 I hereby certify that the proceedings,
5 evidence and objections are contained fully and
6 accurately in the stenographic notes taken by me upon
7 the Oral Remote Deposition of JOE SULLIVAN, on
8 Wednesday, November 15, 2023, and that this is a true
9 and correct transcript.

10
11
12
13 -----
14 LORI L. E. AGREN, CSR, RPR
15

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17 transcript does not apply to any reproduction of the
18 same by any means, unless under the direct control
19 and/or of the certifying reporter.)
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